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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,415	11/29/2001	Morris Wiginton III	42338.830001.001	5955

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,415

Applicant(s)

WIGINTON ET AL.

Examiner

Todd Ingberg

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/29/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 31 have been examined.

Claims 1, 4, 5, 7, 11, 15, 17, 19, and 20 were amended in a Preliminary amendment

Claims 21 – 31 were added in the Preliminary amendment.

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed March 19, 2002 has been considered.
3. The PALM record indicates an IDS was filed on January 3, 2002 but the electronic file wrapper shows no such filing. Examiner is requesting Applicant to verify if an IDS was submitted.
4. In the event, the Applicant has the ability to provide information on Great Plains Software for Accounting (product installation portion) or additional information on Microsoft's product, Profit it would assist in prosecution. This request is compulsory. Applicant *not* under a Requirement For Information.

Drawings

5. The drawings were received on January 24, 2002. These drawings are accepted.
(Factory, page 66)

Specification

6. The Preliminary Amendment of September 16, 2004 has been entered.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-11,13-17,19 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the commercial product on a computer readable medium with memory and screen support “Setup Factory”, User’s Guide by Indigo Rose, 1998 (**Factory**) in view of “Profit: business management gets cute”, PC Magazine, v12, n8, p54, April 27, 1993 (**Profit**).

Claim 1

Factory teaches a method in a computer system for enabling the development of installation software(**Factory**, page 5 first paragraph), the method comprising the steps of: generating at least one question definition screen (**Factory**, pages 19 – 20) ;

entering at least one question on the at least one generated question definition screen, the at least one question entered being designed to solicit information from an end user relating to a business of the end user (**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership);

determining whether additional information relating o the business of the end user is necessary to install a software package (**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership – more than one question present in article);

if additional information is necessary, providing links to next questions to solicit additional information; and

if additional information is not necessary, storing the at least one entered question into installation software designed to solicit information from the end user relating to the business of the end user such that the software package can be installed on a system of the end user (**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership).

Factory teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (**Factory**, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore , it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Art Unit: 2124

Claim 3

The method of claim 1, including the step of: saving the at least one question prior to a determination that additional information is not necessary. (Factory, page 6, Finish and page 19).

Claim 4

The method of claim 1, including the step of: providing links to help files (**Factory**, page 22, Help Contents), wherein such help files assist the end user in providing at least one response to the at least one question, the at least one response relating to the business of the end user. Although, Profit states it Coaches the installation process and employs graphics, the Examiner can not make a determination if Profit alone meets the limitation. Profit teaches help files page 75. Profit teaches an installation Wizard for installing an accounting package with questions directed toward the business. Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to combine Factory with Profit to enable Help for business specific questions because it facilitates installation.

Claim 5

The method of claim 4, further comprising the step of providing at least one default response for the at least one question, the at least one default corresponding to a generally accepted accounting principle. (Profit, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership).

Claim 6

The method of claim 4, including the step of: emailing a question to a help reference. Factory, page 7.

Claim 7

Factory teaches an apparatus for enabling the development of installation software wizards (Factory, page 22), comprising:

- at least one memory;
- at least one executable file stored in the at least one memory;
- the at least one executable file comprising at least one instruction for providing at least one question definition screen (Factory, pages 21 - 23);
- a monitor;
- at least one processing unit to execute the at least one instruction to display the at least one question definition screen to at least one intermediate user(**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership);, the at least one processing unit includes at least one input so the at least one intermediate user can input at least one question, the at least one question to solicit information from an end user relating to a business of the end user; (**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership); and a compiler to write all the received information, wherein the received information is saved (Factory, page 66). **Factory** teaches a commercial product that enables users to install computer software based on the response to the interaction of the user

Art Unit: 2124

(Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 8

The apparatus of claim 7, wherein the at least one, memory, the at least one monitor, the at least one processing unit, the at least one input device, and compiler are coupled by **at least one** of a bus protocol, a wireless protocol, an intranet protocol (Factory, page 7, email and the inherent requirement for the limitations above to send email), an extranet protocol, and html protocols.

Claim 9

The apparatus of claim 7, wherein the at least one memory comprises at least one help file. (**Factory**, page 22, Help Contents and page 75).

Claim 10

The apparatus of claim 7, wherein the at least one processing unit includes a security module. Factory page 9.

Claim 11

Factory teaches a computer program product comprising: a computer usable medium having a computer readable code embodied therein for processing data to develop installation software wizards (Factory, page 22) to assist an end user in installing business related software on a computer system of the end user, the computer usable medium comprising (Profit as per claim 1) a question generation module configured to generate at least one question definition screen; a receiving module configured to receive at least one question designed to solicit information from an end user relating to a business of the end user(**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership); a determining module configured to determine whether the business related software requires additional information is need for the business related software installation(**Profit**, The first Wizard you see is the Setup Wizard that asks a few questions about the type of business that you run and the form of ownership); a linking module configured to provide links to next questions if additional information is determined to be needed to install the business related software; a saving module configured to save the at least one received question (Factory, page 66); and a compiling module configured to write the at least one received (Factory, Step Three, page 19 – 20) question saved by the saving module into the installation software wizard. **Factory** teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 13

Art Unit: 2124

The computer program product of claim 11, comprising: a help module configured to provide help relating to the at least one question. (**Factory**, page 22, Help Contents and page 75).

Claim 14

Factory teaches a method of installing software on a computer system, the method comprising the steps of:

- identifying at least one software package to be installed;
- executing at least one installation application associated with the at least one identified software package to be installed (**Factory** as per claim 1);
- displaying at least one a first question to solicit business related information from at least one end user to install the at least one software package;
- storing the solicited information (**Factory**, page 66);
- determining whether a next question exists based on the received solicited information;
- providing a link to the next question if it is determined a next question exists;

displaying the next question if a the next question exists (**Factory**, page 6, Back, Next and page 19) ; and installing the at least one software package if is-a the next question does not exist (**Factory**, page 6, Finish). **Factory** teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (**Factory**, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore , it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 15

The method of claim 14, further comprising the step of: providing help for at least one of regarding the at least one first question or the next question. (**Factory**, page 22, Help Contents and page 75).

Claim 16

The method of claim 14, further comprising the step of: saving the solicited information prior to installing the at least one software package. (**Factory**, page 60, Collect Information and page 77, %Custom10%).

Claim 17

Factory teaches a computer program product comprising: a computer usable medium having computer readable code embodied therein for processing data to install business related software, the computer usable medium comprising:

- an identifying module configured to identify at least one business related software package to be installed;
- an executing module configured to execute at least one installation application associated with the at least one identified business related software package to be installed;
- a displaying module configured to generate a display to solicit business related information from at least one end user, the business related information being specific to a business of the at least one end user and necessary to install the business related software

Art Unit: 2124

package; see the rejection for claim 1. **Factory** teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 19

The computer program product of claim 17, further comprising: a help module configured to provide help information relating to solicited business related information. As per claim 4.

Claim 20

The computer program product of claim 17, further comprising: a save module configured to save solicited business related information necessary to the installation of the business related software package. As per claim 4.

Claim 21

Factory teaches a method for generating a software installation application (Factory as per claim 1) to install business related software where the business related software requires business operating information from an end user to be properly installed (Profit as per claim 1); the method comprising the steps performed on a computer of: identifying a plurality of business operating information necessary to install the business related software (Profit as per claim 1); generating at least one edit question screen; the at least one edit question screen having a first input field for an intermediate user to enter at least one question designed to solicit business operating information from an end user (Profit as per claim 1); the at least one edit question screen having a second input field for the intermediate user to insert jump information (Factory, page 6, Back, Next and Finish and page 19), the jump information linking to at least one next question designed to solicit additional business operating information from the end user based on a plurality of possible answers from the end user to the at least one question; inputting the at least one question and the jump information (Factory, page 6, Back, Next and Finish and page 19); determining whether additional business operating information is necessary to complete installation of the business related software; if additional information is necessary, generating a next question edit screen and inputting another at least one question and jump information (Factory, page 6, Back, Next and Finish and page 19); and if additional information is not necessary, compiling a business software installation application using generated questions and linked generated next questions to solicit business operating information from the end user (Profit as per claim 1). **Factory** teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 22

Art Unit: 2124

The method of claim 21, further comprising the step of generating at least one help definition screen for each edit question screen. (**Factory**, page 22, Help Contents and page 75).

Claim 23

The method of claim 21, further comprising the step of providing a default business operating information answer for each generated edit question screen. **Factory**, page 27 and 59.

Claim 25

The method of claim 21 wherein the determining step includes comparing whether the inputted at least one question solicits all the plurality of business operating information necessary to install the business related software. Profit as per claim 5.

Claim 26

The method of claim 21, further comprising the step of saving the inputted at least one question and jump information prior to compiling the business software installation application. (**Factory**, page 6, Back, Next and Finish and page 19) .

Claim 27

A computer-readable medium having computer executable instructions for performing the acts of claim 1. **Factory** and **Profit** are both commercial products and have Wizards for installing software – executable.

Claim 28

A computer-readable medium having computer executable instructions for performing the acts of claim 21. **Factory** and **Profit** are both commercial products and have Wizards for installing software – executable

Claim 29

Factory teaches a computer program product comprising: a computer usable medium having computer readable code embodied therein for processing data to create a business software installation application, the computer usable medium comprising:

a business information solicitation module configured to generate and display an edit question screen, the edit question screen having a first input field for an intermediate user to enter a plurality of questions designed to solicit business operating information from an end user corresponding to a plurality of possible answers and a second input field for the intermediate user to insert a plurality of jump information, the plurality of jump information corresponds to the plurality of possible answers and a business installation software application to a next question based on an answer to be provided by the end user (**Factory**, page 6, Back, Next and Finish and page 19);

an input module configured to accept input from the intermediate user regarding the plurality of questions, the plurality of possible answers, and the plurality of jump information; and a compiling module configured to write the plurality of questions, the plurality of possible answers, and the plurality of jump information into the business software installation application (**Factory**, page 6, Back, Next and Finish and page 19). **Factory** teaches a commercial product

Art Unit: 2124

that enables users to install computer software based on the response to the interaction of the user (Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Claim 30

The computer program product of claim 29, further comprising a processor identification module configured to obtain computer system information about the system on which the business software package is being installed. Factory, page 18, selective installation.

Claim 31

The computer program product of claim 30, wherein the computer information system information includes information necessary to load the computer program. Factory, page 18, disk set.

Claim 32

Factory teaches a computer program product: a computer usable medium having computer readable code embodied therein for processing data to install a business software application (as per claim 1), the computer usable medium comprising

- an identifying module configured to identify at least one software package to be installed (as per claim 1);

- a displaying module configured to display at least one question inputted by an intermediate user to solicit business operating information from at least one end user needed to install the business software application (as per claim 1);

- an input module configured to receive the business operating information solicited by the displaying module (as per claim 1); and

- a jump module configured to jump to a next question to solicit additional business operating information (as per claim 21) from the at least one end user needed to install the business operating information (Factory, page 6, Back, Next and Finish and page 19), the jump module jumps to the next question based on jump information provided by the intermediate user and business operating information from the at least one end user; and

- a system configuration module configured to install the business software application once necessary business operating information is received.

Factory teaches a commercial product that enables users to install computer software based on the response to the interaction of the user (Factory, page 23, top of page). **Profit** teaches the installation Wizard asking business related questions to accounting package installation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine **Factory** and **Profit** because, custom installation of software optimizes resource utilization such as disk space.

Art Unit: 2124

9. Claims 2, 12, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factory and Profit as applied to claim 1 above, and further in view of basic use of Encryption as taught by Computer Security Basics from 1991 (**Encryption**) .

Claim 2

The method of claim 1, including encrypting the stored at least one entered question. Factory teaches the use of passwords. Passwords must be stored to enable validation. Encryption teaches encrypting passwords page 65. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the use of passwords of Factory with Encryption because access control makes systems secure .

Claim 12

The computer program product of claim 11, comprising: an encryption module configured to provided encryption. as per claim 2.

Claim 18

The computer program product of claim 17, further comprising: a security module configured to provide encryption. As per claim 2.

Claim 24

The method of claim 21, further comprising the step of encrypting the inputted at least one question and jump information. As per claim 2 and Factory completing password moving to another screen.

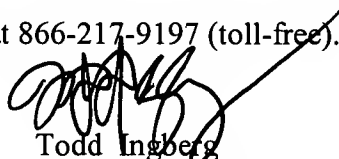
Correspondence Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd Ingberg
Primary Examiner
Art Unit 2124

TI